

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICANT(S): | Couts, Jeffrey, et al. |) |
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| SERIAL NO.: | 10/027,163 |) |
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| FILED: | December 20, 2001 |) |
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| TITLED: | System and Method For Responding to a Communication Message With a Canned Reply |) |
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| EXAMINER: | Bayard, Djenane M. |) |
| | |) |
| GROUP: | 2141 |) |
| | |) |
| DOCKET NO.: | PF02257NA |) |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants hereby request review of the final rejection in the above-identified application. The review is being requested for the reasons stated below, which frames the issue to be considered as part of the pre-appeal review process.

RESPONSE TO FINAL OFFICE ACTION OF SEPTEMBER 27, 2006

Claims 1 through 4, 6, 8, 11 through 13, 16 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,584,494 to Manabe, et al. ("Manabe, et al. patent") and U.S. Patent No. 6,993,564 to Whitten, II ("Whitten patent"). The remaining claims, namely claims 5, 7, 9, 10, 14, 15, 17, 19 and 20, are rejected under 35 U.S.C. §103(a) as being

unpatentable over the Manabe, et al. patent in view of the Whitten patent and one of the following references: U.S. Patent No. 6,430,604 to Ogle, et al. ("Ogle, et al. patent"); U.S. Patent No. 6,301,609 to Aravamudan, et al. ("Aravamudan, et al. patent"); and U.S. Patent Application Publication No. 2004/0048615 to Kato, et al. ("Kato, et al. publication"). Claims 1 through 20 distinguish patentably from the Manabe, et al. patent, the Whitten patent, the Ogle, et al. patent, the Aravamudan, et al. patent, Kato, et al. publication, and any combination of these references.

Independent claim 1 provides, *inter alia*, "retrieving configuration data of the target device including a plurality of classes and a plurality of canned replies associated with the plurality of classes" and "identifying an originating class of the originating device from the plurality of classes and a canned reply associated with the originating class based on the originating identification". Also, independent claim 11 provides, *inter alia*, "a messaging server for communicating with a plurality of client devices, the messaging server being effective to receive a communication message directed to a target device from an originating device, retrieve a plurality of classes and a plurality of canned replies associated with the target device, identify an originating class of the originating device from the plurality of classes and a canned reply associated with the originating class based on the originating device, and send the canned reply to the originating device if the target device is unavailable for interactive communication with the originating device". Thus, claims 1 and 11 require a canned reply associated with an originating class.

Referring to the final Office Action of September 27, 2006, page 4, lines 14 through 18, of the Office Action states that the Manabe, et al. patent does not describe or suggest the above aspect of claims 1 and 11.

The Whitten patent describes an instant messaging system in which a potential recipient may prepare a list of senders, which may include categories and status indicators, but does not disclose any type of canned reply associated with an originating class. Col. 3, lines 32 through 35, of the Whitten patent states that each category includes a list of status indicators that place restrictions on receiving messages from otherwise acceptable senders. The Whitten patent does not make reference to any other type of information that is associated with the categories, and it

is evident from other parts of the Whitten patent that the status is different from canned replies (see Response of January 29, 2007). In particular, claims 1 and 11 provides for a canned reply associated with an originating class, whereas the Whitten patent discloses "a list of status indicators" (plural) associated with each category. Thus, the Whitten patent does not disclose any type of canned reply associated with an originating class, as required by claims 1 and 11.

In addition, the Ogle, et al. patent, the Aravamudan, et al. patent, and Kato, et al. publication do not describe or suggest any type of configuration data of a target device that includes a plurality of canned replies associated with a plurality of classes, as required by claims 1 and 11. Therefore, claims 1 and 11 distinguish patentably from the Manabe, et al. patent, the Whitten patent, the Ogle, et al. patent, the Aravamudan, et al. patent, Kato, et al. publication, and any combination of these references.

Claims 2 through 10 and 12 through 20 depend from and include all limitations of independent claims 1 and 11, respectively. Therefore, claims 2 through 10 and 12 through 20 distinguish patentably from the Manabe, et al. patent, the Whitten patent, the Ogle, et al. patent, the Aravamudan, et al. patent, Kato, et al. publication, and any combination of these references for the reasons stated above for claims 1 and 11.

RESPONSE TO ADVISORY ACTION OF FEBRUARY 21, 2007

Referring to the Advisory Action of February 21, 2007, the Advisory Action states that the Whitten patent teaches that the recipient breaks the list of senders into several categories expressing the possible interest of senders at col. 3, lines 28 through 30, thus breaking the senders into groups of users. Applicants agree that the Whitten patent describes an instant messaging system in which a potential recipient may prepare a list of senders, which may include categories and status indicators. On the other hand, the Whitten patent does not disclose any type of canned reply associated with an originating class.

The Advisory Action asserts that the Whitten patent describes sending a group canned reply to a particular member of an associated group when an inquiry or message is received from the member, and references col. 3, lines 45 through 60, and FIG. 3 in support of this assertion.

The Whitten patent, particularly col. 3, lines 45 through 60, describes a sender sending query to a potential recipient and, in response, the potential recipient sending availability and receptivity information back to the sender (steps 301 and 303). The availability and receptivity information sent by the potential recipient is not a canned reply associated with an originating class. In fact, the categories and status indicators of the list of senders are not even considered when the availability and receptivity information are sent to the sender.

The Whitten patent also describes a sender deciding whether to send an instant message to a potential recipient based on the availability status of the potential recipient (step 309). The instant message that may be sent by the sender is not a canned reply associated with an originating class. In fact, it is the receipt of a communication message that cause a canned reply to be potentially sent in claims 1 and 11. Also, not only is the information not canned, but the categories and status indicators of the list of senders at the potential recipient of the Whitten patent are not associated with the instant message. It should further be noted that the instant message is sent from the sender to the potential recipient, whereas the canned reply of claims 1 and 11 is sent in the reverse direction, i.e., from the recipient to the sender. Thus, the Whitten patent does not describe or suggest any type of canned reply associated with an originating class, as required by the claims.

CONCLUSION

In view of the above remarks, and the corresponding analysis referenced from Applicants' previous responses, Applicants respectfully request that the Examiner's rejection of the claims be withdrawn.

Respectfully submitted,
Couts, Jeffrey, et al.

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